



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes ET

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession for an early end to the tenancy pursuant to section 56;

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 9:14 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:00 a.m. The landlord attended the hearing and was given a full opportunity to provide affirmed testimony, to present evidence and to make submissions.

The landlord testified that on October 23, 2017 a copy of the Application for Dispute Resolution and Notice of Hearing was sent to the tenant by registered mail. A registered mail tracking number and receipt was provided in support of service.

Based on the above evidence, I am satisfied that the tenant was deemed served with the Application for Dispute Resolution and Notice of Dispute Resolution Hearing pursuant to section 89 & 90 of the Act. The hearing proceeded in the absence of the tenant.

Issues

Is the landlord entitled to an order of possession for an early end to the tenancy?

Background & Evidence

The rental unit is an apartment in a 10 unit complex. The tenancy began on January 11, 2016 with a monthly rent of \$650.00 payable on the 1st day of each month.

The landlord has applied for an early end to the tenancy on the grounds that the tenant poses and immediate and severe risk. The landlord testified that the tenant was the

only person approved for this tenancy however shortly after it began; the tenant's husband began to reside in the rental unit. The landlord testified that on October 7, 2017 the tenant's husband assaulted another tenant in the building. The landlord submitted a witness statement from the other tenant as well as a police file # of the incident. The witness statement provides details of a sexual assault and threats made by the tenant's husband.

Analysis

In accordance with section 56 of the Act, in receipt of a landlord's application to end a tenancy early and obtain an order of possession, an arbitrator may grant the application where the tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- seriously jeopardized the health and safety or a lawful right or interest of the landlord or another occupant;
- put the landlord's property in significant risk;
- engaged in illegal activity that:
 - has caused or is likely to cause damage to the landlord's property;
 - has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property; or
 - has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- caused extraordinary damage to the residential property.

In addition to showing at least one of the above-noted causes, the landlord must also show why it would be unreasonable or unfair to the landlord to wait for a 1 Month Notice for cause to take effect.

I find the evidence supports a finding that the tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant of the residential property. I accept the landlord's undisputed testimony and evidence and find the tenant's husband assaulted and threatened another occupant in the apartment building.

In the circumstances I find it would be unreasonable, or unfair to the landlord to wait for a 1 Month Notice for cause to take effect. Accordingly, I find that the landlord is entitled

to an order for possession effective immediately after service on the tenant. This order may be filed in the Supreme Court and enforced as an Order of that Court.

Conclusion

I grant an Order of Possession to the landlord effective **immediately after service of this Order** on the tenant. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 20, 2017

Residential Tenancy Branch